

ATTORNEY DOCKET NO. 14028.0292
Application No. 09/383,695

APPENDIX B

W173631

ATTORNEY DOCKET NO. 14028.0292

Serial No. 09/383,695

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Neville et al.)
Serial No. 09/383,695) Group Art Unit: 1642
Filed: August 26, 1999) Examiner: Ungar, S.
For: METHODS OF INDUCING IMMUNE)
TOLERANCE USING IMMUNOTOXINS)

DECLARATION OF DAVID M. NEVILLE, JR. UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

Dear Sir:

I, David M. Neville, Jr., a citizen of the United States, residing at 9624 Parkwood Drive, Bethesda, Maryland 20814, declare that:

1. I am a co-inventor with Judith M. Thomas and Stuart Knechtle of the above-referenced patent application and of the subject matter described and claimed therein.

2. I am co-author of the article by Jerry Thompson, Huaizhong Hu, Joshua Scharff and David M. Neville, Jr. entitled "An Anti-CD3 Single-chain Immunotoxin with a Truncated Diphtheria Toxin Avoids Inhibition by Pre-existing Antibodies in Human Blood," *Journal of Biological Chemistry*, 270 (47):28037-28041, 1995.

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3. During the period of time in which the research described in the Thompson *et al.* reference was conducted, Jerry Thompson was a post doctoral fellow in my laboratory. He participated in the experiments, provided technical support, and performed tasks under my direction. Although the contributions made by Dr. Thompson were substantial and warranted authorship on the *Journal of Biological Chemistry* paper, Dr. Thompson was not involved in the conception of a method of inhibiting a rejection response to a transplant using immunotoxins. Therefore, Dr. Thompson did not contribute to the conception of the claimed invention.

4. During the period of time in which the research described in the Thompson *et al.* reference was conducted, Huaizhong Hu was a post doctoral fellow in my laboratory. He participated in the experiments, provided technical support, and performed tasks under my direction. Although the contributions made by Dr. Hu were substantial and warranted authorship on the *Journal of Biological Chemistry* paper, Dr. Hu was not involved in the conception of a method of inhibiting a rejection response to a transplant using immunotoxins. Therefore, Dr. Hu did not contribute to the conception of the claimed invention.

5. During the period of time in which the research described in the Thompson *et al.* reference was conducted, Joshua Scharff was a technician in my laboratory. He provided technical support and performed tasks under my supervision. Although the technical contributions made by Mr. Scharff warranted authorship on the *Journal of Biological Chemistry* paper, Mr. Scarff was not involved in the conception of a method of inhibiting a rejection response to a transplant using immunotoxins. Therefore, Mr. Scarff did not contribute to the conception of the claimed invention.

6. I further declare that all statements made herein are true, and that all statements made on information and belief are believed to be true and further, that these statements were made

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with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent issuing therefrom.

David M. Neville, Jr.
DAVID M. NEVILLE, Jr.

4-8-03
DATE